

## REMARKS

In the Final Office Action dated July 5, 2005, the Examiner rejected claims 1-39 under 35 U.S.C. § 103(a) as being unpatentable over *Buchanan et al.* (U.S. Patent No. 5,950,179) in view of *Walker et al.* (U.S. Patent No. 6,088,686).

Based on the following remarks, Applicants respectfully traverse the above rejections under 35 U.S.C. § 103(a).

### **I. The Rejections of Claims 1-39 under 35 U.S.C. § 103(a)**

To establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03. Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See M.P.E.P. § 2143. Third, a reasonable expectation of success must exist. See M.P.E.P. § 2143.02. Moreover, each of these requirements must “be found in the prior art, and not based on applicant’s disclosure.” M.P.E.P. § 2143.

#### **A. The cited art, alone or in combination, does not teach or suggest at least associating a financial account with an un-activated credit card that is provided to an applicant, as recited in claims 1 and 12.**

The Examiner asserts *Buchanan et al.* teaches all of the recitations of claims 1 and 12 except for “analyzing various responses to risk splitting questions (defined by applicant as factors affecting the financial status, burden or earning capacity such as income, car loan, checking account, monthly rent/mortgage payment).” (Office Action at

2-3.) Applicants respectfully disagree with the Examiner's assessment of *Buchanan et al.*

*Buchanan et al.* discloses a method for issuing a secured credit card. The method includes a bank sending mail solicitations to potential customers for a credit card. A potential customer may respond to the solicitations via telephone, the Internet, etc. (*Buchanan et al.* 2:56 to 3:1.) The response includes a signed reply card or a consent to receive a credit card and to make a deposit in a savings account to secure the card. (3:1-4.) Based on the response, the soliciting bank enters information about the customer into an application processing system to verify the information provided by the customer. This may include requesting additional documentation, such as identification information. (3:13-24.) Once approved, the bank sends the customer an activated credit card with a credit limit. (3:25-39.) Subsequently, the bank tracks the status of the credit card and savings account to recalculate the credit limit and status of the card. (3:40 to 4:7.)

Accordingly, *Buchanan et al.* does not teach, at least, associating a financial account with an un-activated credit card that is provided to an applicant, as recited in claim 1 and generating a financial account associated with an un-activated credit card that is provided to an applicant, as recited in claim 12. Instead, *Buchanan et al.* clearly states that the credit card provided to the customer is approved, printed, and ready for the customer to use. (3:25-39.) Indeed, at step 32, *Buchanan et al.* describes that the customer only readily uses the issued card (4:49-53.) This position is further bolstered by the fact that the Examiner does not address the recitation of an "un-activated credit

card that is provided to an applicant." Instead, in rejecting claim 1, the Examiner asserts,

Buchanan discloses a method for providing and activating an advance credit card to a customer with an initial modest credit limit that may be activated by the customer or upon further satisfaction of various factors can be assessed to increase the initial credit limit and then activated (column 3, lines 1-65.)

(See Office Action at p. 2.) This assertion does not identify an un-activated credit card.

*Walker et al.* furthermore, does not cure the deficiencies of *Buchanan et al.* Instead, *Walker et al.* discloses a system and method for reviewing and approving credit application requests on-line. (*Walker et al.*, Abstract, 5:65 to 6:15.) *Walker et al.*, in fact, does not teach or even suggest issuing activated cards. Instead, the system disclosed by *Walker et al.* is strictly directed towards on-line processing of credit applications. (See e.g., Figs. 40-51 and corresponding descriptions.)

Accordingly, *Buchanan et al.* and *Walker et al.*, alone or in combination, fail to teach or suggest at least, associating a financial account with an un-activated credit card that is provided to an applicant, as recited in claim 1, and generating a financial account associated with an un-activated credit card that is provided to an applicant, as recited in claim 12. Therefore, the Examiner has not established a *prima facie* case of obviousness, and thus Applicants request the rejection of claims 1 and 12 be withdrawn and the claims allowed.

- B. The cited art, alone or in combination, does not teach or suggest at least determining a credit limit for the financial account based on the first response and a second response by the applicant to the second risk splitting question, and activating the credit card with the credit limit, as recited in claims 1 and 12.**

Further, the Examiner does not address, and the cited art does not teach or suggest, determining a credit limit for the financial account based on the first response and a second response by the applicant to the second risk splitting question, and activating the credit card with the credit limit, as recited in claims 1 and 12. As explained, neither *Buchanan et al.* or *Walker et al.* teaches or suggests an un-activated credit card. Accordingly, neither of these references teach, or have reason to perform, the activation of an un-activated credit card with a determined credit limit. Instead, *Buchanan et al.* initially provides a customer with an activated credit card and *Walker et al.* does not address providing any type of credit card. Moreover, even if *Walker et al.* suggested providing a credit card, it too would be an activated card because *Walker et al.* discloses processing and verifying applications for credit products, thus teaching away from the customer having an un-activated card that is subsequently activated in the manner recited in claims 1 and 12. Accordingly, for at least this additional reason, the Examiner has not established a *prima facie* case of obviousness with regard to these claims.

- C. **The cited art, alone or in combination, does not teach or suggest at least generating, a second risk splitting question based on the first response for provision to the applicant, the second risk splitting question being configured to elicit additional information regarding subject matter associated with the first response, as recited in claims 1, 12, and 21.**

As mentioned above, the Examiner admits *Buchanan et al.* does not teach “analyzing various response to risk splitting questions.” (Office Action at 2.) To compensate for this deficiency, the Examiner merely asserts

Walker et al. teaches a comprehensive system and method for performing on-line credit reviews, assessing credit risks based on factors beyond credit rating and determining a credit limit for any financial product, including a bank card for new customers or current customers (Column 7, line 57-column 9, line 65; see figures 41-44 and associated text for a detailed step by step process).

(Office Action at 3.) The Examiner’s summary of *Walker et al.* however, does not address the recitations of claims 1, 12, and 21, namely those associated with a second risk splitting question. Nonetheless, *Walker et al.* does not teach or suggest these recitations. Indeed, the only input from an applicant is received when the customer requests approval of a credit application. (See e.g., *Walker et al.* Fig. 40, step 2002.) The system disclosed by *Walker et al.* performs extensive credit verification and approval processing to determine whether the applicant should be approved. While *Walker et al.*’s system takes into consideration numerous factors to determine the approval status of the requesting applicant, none of them include a second risk splitting question in the manner recited in claims 1, 12, and 21. Instead, *Walker et al.* obtains additional information for processing the applicant’s request from other internal and external sources, such as a back office (Fig. 41, step 2048) and credit agencies (Fig. 41, step 2032). Accordingly, because the Examiner does not address, and the cited art,

alone or in combination, fail to teach or suggest, second risk splitting questions in the manner recited in claims 1, 12, and 21, the Examiner has not established a *prima facie* case of obviousness with regard to these claims. As such, Applicant respectfully request the rejection of these claims be withdrawn and the claims allowed.

Claims 2-11, 30, and 31 depend from claim 1, claims 13-16, 32, and 33 depend from claim 12, and claims 22-29, 38, and 39 depend from claim 21. As explained, *Walker et al.* and *Buchanan et al.*, alone or in combination, teach or suggest all of the recitations of claims 1, 12, and 21. Therefore, claims 2-11, 13-16, 22-29, 30-33, 38, and 39 are also distinguishable from the cited art for at least the reasons set forth above in connection with their respective independent claims 1, 12, and 21. Accordingly, Applicants request that the rejection of these claims be withdrawn and the claims allowed.

**D. The cited art, alone or in combination, does not teach or suggest at least selecting a second risk-splitting question based on the response to the first risk-splitting question, wherein the second risk-splitting question is configured to elicit detailed information regarding subject matter associated with the first risk-splitting question, as recited in claims 17 and 19.**

As explained above, *Walker et al.* and *Buchanan et al.* do not teach a second risk splitting question that is configured to elicit detailed information regarding subject matter associated with the first risk splitting question. Instead, the cited art receives initial information from a customer, and then verifies and/or processes the request to determine whether the request should be approved. For example, *Buchanan et al.* provides an activated credit card to a customer after verifying information initially provided by the customer, and *Walker et al.* focuses on processing on-line requests for credit applications. Neither reference discloses or suggests selecting a second risk

splitting question based on a response to a first risk splitting question. And neither reference teaches or suggests the second risk splitting question being configured as recited in claims 17 and 19.

Moreover, the Examiner again does not address the recitations of the claim. Instead, the Examiner refers to various processes disclosed by *Walker et al.*'s that are associated with processing an applicant's credit request. (See Office Action at 5.) Contrary to the Examiner's assertions, however, *Walker et al.* does not teach "a mechanism to automate up-sells and counteroffers based on the customer responses to various questions." (Office Action at 5.) Instead, *Walker et al.* states "[t]he present invention provides an expeditious manner in which consumer retail branches can provided an immediate credit evaluated response (conditional approval, upsell and/or counter-offers pending required verifications) of qualified applicant credit requests . . ." (6:40-44.)

Further, *Walker et al.* and *Buchanan et al.*, alone or in combination, do not teach or suggest calculating a decrease to the credit limit based upon (a) the first response to the first risk-splitting question and a second response to the second risk-splitting question and (b) the credit bureau information, as recited in claim 19. For example, as disclosed by *Buchanan et al.*, the credit limit for the issued credit card is adjusted based on the customer's activities, such as failure to maintain the required savings account balance. Further, *Walker et al.* does not adjust a credit limit based on risk splitting questions. Instead, *Walker et al.* assigns "a credit limit amount based upon either the application credit score and applicant income or the applicant's bank relationship

amount and income, if any." (15:40-44.) Accordingly, neither reference decreases a credit limit based upon at least responses to risk splitting questions.

Accordingly, the Examiner has not established a *prima facie* case of obviousness because the cited art does not support the rejection of claims 17 and 19 under 35 U.S.C. § 103(a). As such, Applicants request the rejection of this claim be withdrawn and the claim allowed.

Claims 18, 34 and 35 depend from claim 17 and claims 20, 36 and 37 depend from claim 19. Accordingly, claims 18, 20, and 34-37 are also distinguishable from the cited art for at least the same reasons set forth above in connection with claims 17 and 19, respectively.. Therefore, Applicants request the rejection of these claims also be withdrawn and the claims allowed.

## **II. Conclusion**

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: September 7, 2005

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